GOVERNMENT OF INDIA
OVERSEAS INDIAN AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2763
ANSWERED ON:19.03.2008
ILLEGAL MIGRATION TO FOREIGN COUNTRIES
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Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:

(a) whether illegal migration to various countries is taking place, where such migrants are working at extremely low wages and are subjected to various types of exploitations;

(b) if so, the details thereof; and

(c) the steps taken by the Government in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OVERSEAS INDIAN AFFAIRS (SHRI VAYALAR RAVI)

(a) to (c): Under the Emigration Act, 1983, the offices of Protectors of Emigrants (POEs), under the administrative control of this Ministry grant emigration clearance to Indian emigrant workers in the emigration check required (ECR) category proceeding for employment in 17 ECR Countries.

However, cases of workers going abroad on visit/transit visas and taking up employment in that country have come to the notice of this Ministry and Indian Missions from time to time. Whenever such instances are reported, the Missions take up the matter with the local government there to redress the grievances of the workers and extends all help for repatriation of such workers back to India.

Gulf Countries from time to time declare Amnesty for illegal migrants either to regularize their stay or leave the country without penalty. On declaration of such Amnesty the Indian Missions take up the matter with local authorities either for regularizing the stay of such workers or issue of emergency certificates for their deportation back to India. This Ministry coordinates with the Ministries of Home Affairs and Civil Aviation for ensuring their safe passage back to India.

Cases of exploitation and ill-treatment of Indian workers also come to the notice of this Ministry and Indian Missions from time to time. The problems faced by the overseas Indian workers mainly relate to contractual violations by employers such as non-payment /delayed payment of salary, non-availability of medical facilities, proper food, unhygienic living conditions etc.

In such cases, if registered recruitment agency is involved, action is taken under the provision of Emigration Act, 1983, leading to suspension and cancellation of their registration certificate (RC). 27 RCs have been suspended/ cancelled during 2007.

In respect of unregistered recruiting agents, the complaints are referred to concerned State Police Authorities/ Protector of Emigrants for investigation and appropriate action as per provisions of the law. 7 prosecution sanctions have been issued during 2007.

In respect of complaints against foreign employers, such foreign employer is placed in the Prior Approval Category (Black list) and as a consequence is not allowed to recruit workers from India. 334 Foreign employers have been placed under such category.

Further in order to ensure the welfare and protection of Indian workers by the host countries, Government of India has signed bilateral Labour MoUs with UAE in December, 2006 and with Kuwait in April, 2007. An additional protocol with Qatar was signed in November, 2007. These provide for an agreed broad framework for exchange of views leading to better protection of Indian workers while they are employed abroad.

The Emigration Act, 1983 is in the process of being amended to further strengthen the safeguards for the emigrants.